

**STATEMENT OF
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BEFORE THE SUBCOMMITTEE ON SURFACE TRANSPORTATION
OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
U.S. HOUSE OF REPRESENTATIVES**

**REGARDING IMPLEMENTATION OF THE
MOTOR CARRIER SAFETY ACT OF 1984 AND THE
COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986**

SEPTEMBER 23, 1987

Mr. Chairman and members of the Committee, I am pleased to have this opportunity to meet with you today to provide an update on the accomplishments of the Federal Highway Administration (FHWA) in the area of motor carrier safety. With me today is our FHWA Associate Administrator for Motor Carriers, Richard P. Landis, and Deputy Administrator of the National Highway Traffic Safety Administration, Jeffrey Miller.

This has truly been a landmark era for motor carrier safety. As you know, the motor carrier program within the FHWA has undergone substantial programmatic and procedural changes over the past few years. We have devoted a tremendous amount of resources and energy to working with the States, the motor carrier industry and the public to ensure that the Motor Carrier Safety Act of 1984 and the Commercial Motor Vehicle Safety Act of 1986 are implemented in a manner consistent with the legislative intent of the Congress. Today I would like to describe the progress we have made in incorporating the requirements of both Acts into our program.

In my testimony before you last year, I described the reorganization of the motor carrier program at the Washington Headquarters. As you may recall, the purpose of the reorganization was twofold in that it (1) consolidated the majority of motor carrier functions within the FHWA, thus creating ease of public access to a top-level official on motor carrier issues, and (2) pulled together all available FHWA resources to carry out the ambitious legislative requirements of the 1984 and 1986 Acts. Additionally, the new office is instrumental in developing rules, policies, and procedures to carry out the Department's other responsibilities for motor carrier transportation.

I will now describe how the Motor Carrier Safety Act of 1984 and the Commercial Motor Vehicle Safety Act of 1986 have impacted the motor carrier program.

MOTOR CARRIER SAFETY ACT OF 1984

Following the passage of the 1984 Act, the Secretary of Transportation reviewed the motor carrier safety program of the FHWA. She decided that a redefinition of Federal and State roles was required as well as significant increases in resources at both the Federal and State levels. In the FY 1987 budget submission, the Secretary requested and the Congress approved a 200 percent increase in funding for the motor carrier safety assistance

program (MCSAP). This was a total request of \$50 million including an increase in the FHWA staff of 150 safety specialists, bringing our total number of safety specialists to 300. Congress also approved a request to reprogram funds in FY 1986 so that the hiring of safety specialists could begin immediately.

These increases were premised on a rethinking of Federal and State roles. The Federal Government was to concentrate on evaluating and targeting problem carriers, while the States were to conduct virtually all roadside inspections.

We designed a motor carrier safety training program consisting of five weeks of classroom instruction at our Transportation Safety Institute in Oklahoma City to be followed by a year of on-the-job training. The program provided the trainees instruction in the Federal Motor Carrier Safety, Hazardous Materials, and Financial Responsibility regulations.

The major responsibilities of the new safety specialists are (1) to provide educational and technical assistance to motor carriers through conducting on-site safety reviews and (2) to determine the safety fitness of motor carriers in accordance with the requirements of Section 215 of the Motor Carrier Safety Act of 1984.

The motor carrier must demonstrate that it has adequate safety management controls in place to ensure regulatory compliance. A motor carrier assigned a less-than-satisfactory

rating is advised of the specific items it must correct in order for the FHWA to upgrade the rating to a "satisfactory". We will soon issue final regulations that will formalize this safety fitness procedure.

We are integrating the safety rating process into the National Motor Carrier Safety Programs which have been designed to improve safety in the motor carrier industry. We assign "unsatisfactory" motor carriers to our Selective Compliance and Enforcement Program in which a senior motor carrier safety specialist conducts a follow-up, in-depth compliance review to identify and document safety problems. The specialist provides the necessary educational and technical assistance, along with compliance and enforcement action, that will help the motor carrier attain the "satisfactory" safety fitness rating. A pilot program in one State implementing this approach reported that 80 percent of carriers who were provided educational and technical assistance showed improved accident profiles. During the first nine months of implementation of the safety review program, more than 9,000 motor carriers have been assigned a safety fitness rating. Information on motor carriers' safety ratings is available to the public, thus providing an incentive for unsatisfactory companies to improve because of economic sanctions imposed by motor carrier users and insurance companies. Notice of safety rating is also made available to the Interstate Commerce Commission for its consideration in operating authority

applications, to the Department of Defense for use in the selection of carriers to transport hazardous materials, to shippers for carrier selection purposes, and to insurance companies to assist in risk determinations.

One of the primary reasons we have been able to move forward with the new national program is because the States have accepted the responsibility for the important job of roadside vehicle inspections. The Motor Carrier Safety Assistance Program (MCSAP) is continuing to grow, with 45 States and 5 Territories participating in 1987. In fiscal year 1986, this Federal-State partnership resulted in 545,000 driver and vehicle inspections, with over 42,000 drivers and 200,000 unsafe vehicles removed from service for imminently hazardous violations of the safety regulations. Projections for FY 1987 indicate that we can expect more than a million driver and vehicle inspections.

Since the States are now handling virtually all roadside driver and vehicle inspections under MCSAP, we have shifted the emphasis of our direct Federal Motor Carrier Safety activities to safety and compliance reviews. The combined effect of these Federal and State efforts will be a vast improvement in the quality of the professional truck driver and an increase in the number of safe vehicles on the road. We believe that every truck driver will be affected directly through roadside inspection or indirectly through the safety fitness process.

The MCSAP has provided more than just additional enforcement power. The States' participation in the program has resulted in increased uniformity of safety regulations. In order for a State to be eligible for MCSAP funding, it must either adopt the Federal Motor Carrier Safety Regulations (FMCSRs), have compatible State safety regulations in effect, or make a good faith effort to move toward uniformity with the Federal standards.

The 1984 Act provided an additional significant step toward regulatory uniformity. The 1984 Act, by creating the Commercial Motor Vehicle Safety Regulatory Review Panel, has provided us the opportunity to examine the national regulatory scheme as it relates to each State's motor carrier safety regulatory program and to standardize the system of rules.

We have compiled a database of over 70,000 State motor carrier safety regulations and requirements. An initial assessment has determined that 34 percent of those State regulations are less stringent than the Federal regulations, 6 percent are more stringent than the Federal regulations, 16 percent of the regulations have no comparable Federal regulation, and 43 percent are the same as the Federal regulations. The remaining one percent apply only to intrastate carriers and are not subject to the panel's review. The magnitude of this effort is much greater than we initially expected. We hope that the panel will provide its findings with legislative recommendations, if any, to the Secretary next summer.

Another provision of the 1984 Act, which I would like to address today, is the requirement that we reissue all the FMCSRs with consideration of their costs and benefits. The regulations address complex technical equipment standards, as well as complicated and controversial medical standards, which necessarily have required considerable research before initial drafts of revised regulations could be prepared. For each rulemaking, we also must prepare a cost-benefit analysis and a small-entity impact analysis.

The FMCSRs consist of ten separate parts. These parts address diverse motor carrier safety topics such as drivers' hours of service, brake hoses, and hazardous materials. The revision of the hazardous materials regulations is currently being addressed by the Research and Special Programs Administration, our sister agency, and we are assisting them in this rulemaking. Comments on the remaining nine parts were requested in an Advance Notice of Proposed Rulemaking (ANPRM) in January 1985. This ANPRM informed the public that seven open rulemaking dockets were being withdrawn and incorporated into the reissuance process. The comments we received to this ANPRM were very helpful in preparing separate rulemaking actions for some of the parts and for deciding which parts did not warrant any revisions.

While reviewing the 54 sets of comments we received in response to the ANPRM, we decided to reissue without change three parts: Driving of Motor Vehicles (Part 392); Transportation of

Migrant Workers (Part 398); and Employee Safety and Health Standards (Part 399). We proposed regulatory changes through publication of Notices of Proposed Rulemakings (NPRMs) for six other parts: Federal Motor Carrier Safety Regulations: General (Part 390); Qualification of Drivers (Part 391); Parts and Accessories Necessary for Safe Operation (Part 393); Notification and Reporting of Accidents (Part 394); Hours of Service of Drivers (Part 395); and Inspection, Repair and Maintenance (Part 396). Of these six, the final rule on Accident Reporting has been issued. A second final rule addressing Hours of Service of Drivers will be ready for publication in the Federal Register in the near future. Three other rulemakings, Parts and Accessories; Inspection, Repair and Maintenance; and Qualification of Drivers, have already been published as NPRMs and are in various stages of development as final rules. The last one, regarding driver qualification requirements, has been largely superseded by commercial driver's license activities resulting from the 1986 Act. In addition, we plan to issue an NPRM proposing additional training requirements for hazardous materials drivers.

We believe these revisions will provide reissued regulations that focus on key, major issues identified in response to the ANPRM while leaving the less important issues for a more comprehensive in-house review as part of our normal stewardship of the FMCSRs. Our current plan is to publish final regulations on the three remaining parts by early next year.

A final feature of the 1984 Act implementation that deserves comment is NHTSA's completion of the studies under sections 216 and 217. The reports of these studies identify four significant vehicle-related issues: braking, handling and stability, occupant protection, and aggressivity. For each of these issues, the reports propose research agendas to produce practical, cost-effective improvements. The reports were developed with extensive participation from vehicle manufacturers, suppliers, motor carriers, labor, and the general public. We believe that they reflect a general consensus on the nature of the issues and on the content of the future research agenda for heavy truck safety.

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

Now, I would like to turn to our implementation of the 1986 Act. This legislation increased MCSAP funding and established the Commercial Driver's License Program. As I explained earlier in this testimony, the increased MCSAP funding has allowed the States to expand significantly their vehicle inspection and enforcement activities. MCSAP authorizations through 1991, coupled with the extension of contract authority for the program, provide a stable funding source for the States to plan and implement a comprehensive enforcement program over the next few years. It is fully expected that this comprehensive enforcement program will reduce truck and bus accidents significantly.

The Commercial Driver's License Program contained in the 1986 Act requires a person to pass a written test and a driving test in a vehicle representative of the type that the person will operate before being issued a license by a State. It also prohibits an operator of a commercial motor vehicle from having more than one license. The potential positive effects on the safety of the traveling public as a result of the new license program are far-reaching. Implementing the program offers special challenges and we expect that we will successfully implement the program on time.

We have formed a DOT Coordination Group composed of senior staff from the FHWA, the Office of the Secretary, the National Highway Traffic Safety Administration, the Research and Special Programs Administration, and the Urban Mass Transportation Administration. This group is working together to resolve the critical policy issues that are emerging during implementation.

To date, the Department is four-for-four in meeting the time deadlines in the 1986 Act. On January 27, 1987, we issued a final regulation to require operable front brakes. On July 20, 1987, a final rule was issued to require drivers to be placed out-of-service for violation of the intoxicating beverage consumption rule. On March 23, 1987, an ANPRM which addressed the issue of blood alcohol level was published.

The fourth deadline was the final rule issued on June 1, 1987. In that rule, the FHWA amended the FMCSRs to require that operators of commercial motor vehicles possess only a single driver's license. The rule also established disqualification requirements for driving under the influence of alcohol; leaving the scene of an accident; certain felonies, including controlled substance felonies; and serious traffic violations. Requirements were established for a driver to notify his/her home State and employer of driving violations and license suspensions and the rule prohibits employers from using a driver whose license has been suspended. We have requested comments on a possible expansion of the rule's applicability to include drivers of commercial motor vehicles not now subject to this final rule and to further define the term "serious traffic violation" as used in the section providing for the disqualification of drivers.

The other rulemakings required under the 1986 Act are well into the developmental stage. We are in the process of preparing NPRMs which address driver testing standards, license document standards, and blood alcohol level. The 1986 Act requires that final rules on all three of these areas be published in 1988. We have established a schedule which will enable us to meet these deadlines.

In addition to rulemaking activities under the 1986 Act, FHWA is on schedule with all other areas of the Act. These include:

- the contract with the National Academy of Sciences to study Blood Alcohol Content; the final report is due to FHWA by October 27, 1987;
- obligation of basic grants to all 50 States and the District of Columbia. These grants are being used for the States' initial Commercial Driver's License implementation activities;
- obligation of \$1.9 million in supplemental grants;
- initiation of a contract to review existing State, Federal, and private information systems for use as the information clearinghouse; results will be available before the due date of January 1, 1988; and,
- several projects are underway between the States and Federal Government to design the information clearinghouse and related telecommunications system.

The American Association of Motor Vehicle Administrators (AAMVA) appointed a special committee of State officials who are working closely with us to establish the clearinghouse. Through a consultant, we are establishing the system requirements and specifications. We will begin the system's final phase of development and its initial implementation next year.

We appreciate the cooperation and support we have received from the States and the motor carrier industry during the initial implementation of the Commercial Driver's License Program. The

National Motor Carrier Advisory Committee provided us very helpful, timely recommendations on major issues in our final regulations for the single license requirement which became effective last July. The States, through the AAMVA, have formed several technical committees which are directing special projects such as development of a driver testing program, a telecommunications network, and a national public information program. All 50 States and the District of Columbia have received basic grants and are taking the first steps to implement the program at the State level. I am confident that together we will meet all the deadlines in the new law.

OTHER RULEMAKING

In addition to the rulemaking activities required by the 1984 and 1986 Acts, the FHWA has underway a rulemaking on on-board hours-of-service recorders.

The FHWA issued an ANPRM on July 13 requesting views on the use of on-board recorders in lieu of the driver's record of duty status, commonly called the driver's log. We are especially interested in comments on issues such as the extent to which the computers are tamper-proof; their capability of providing information to enforcement officers, whether they are practical for small carriers or owner-operators; and their direct safety benefits. The same day we issued the ANPRM, waivers were granted to six fleets (in addition to one permitted earlier) to test these

devices and use them in lieu of driver records of duty status (logs). We expect to issue two additional waivers shortly.

We recognize the potential usefulness of on-board computers and similar devices to the industry and are seeking ways that they can best be used to meet both industry needs and the hours-of-service requirements. Quite frankly, we believe it would be premature to consider administratively mandating them for all trucks as suggested by pending legislation and the Insurance Institute for Highway Safety (IIHS). There is currently limited competitive availability of these systems in the U.S. with each on-board device running about \$5,000 with peripheral equipment. With over 3 million vehicles potentially impacted by mandatory requirements, the cost to the industry would be substantial. We believe the rulemaking process and further practical experience can help address many of the complex technical, cost-benefit, and safety ramifications. We view the case-by-case petition and waiver process as inefficient and unmanageable in the long run, however, and will work toward a decision on the general use of on-board computers.

In addition to these safety-related rulemaking activities, the FHWA continues to consider regulations for the implementation of the Surface Transportation Assistance Act of 1982 and the Tandem Truck Safety Act of 1984, as amended. These complex laws dealing with truck length and width and the roadway on which they

may travel offer unique opportunities for States and the motor carrier industry under the oversight of the FHWA to seek maximum productivity necessary for the economic well-being of this Nation while assuring the safety of the motoring public.

INFORMATION SYSTEMS

The FHWA is establishing three major information systems to assist the Department, the States, and the motor carrier industry.

MOTOR CARRIER SAFETY INFORMATION NETWORK (SAFETYNET)

SAFETYNET is a database management system designed to assist the States under MCSAP. The SAFETYNET Inspection System will allow the FHWA and the States to manage and share data collected during safety inspections of interstate and intrastate commercial vehicles. In the future, the FHWA will expand SAFETYNET to accommodate motor carrier accident information and State-conducted motor carrier safety audit results. The FHWA plans to complete this expansion in 1989.

COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM

Under the new Commercial Driver's License Program, the FHWA must establish a clearinghouse for reporting to States and employers on the license status of identified commercial drivers. The FHWA must complete a congressionally mandated

review of existing information systems by January 1988 and establish the clearinghouse by January 1989. The clearinghouse could be operated by the Department, a State or group of States, or a contractor. The FHWA believes the States should have a leadership role in developing the clearinghouse, as they will be its primary users.

The FHWA is contracting with a consultant to complete the inventory and review of existing systems. We are compiling and analyzing information on existing commercial and government information and telecommunication systems. The FHWA is also working closely with the States, through the AAMVA, to determine the States' needs. The States are interested in taking lead responsibility for the clearinghouse, and the FHWA will continue to work closely with them throughout its development.

MOTOR CARRIER MANAGEMENT INFORMATION SYSTEM (MCMIS)

The FHWA is in the process of revamping its extensive MCMIS to employ microcomputers for more rapid data entry and more extensive information reporting and to provide an analytical capability to our field staff so that they can better manage their workload. More specifically, the MCMIS will be used:

- 1) to collect and disseminate data from the safety reviews performed by motor carrier safety specialists, analyze

- carriers' performance for recommended safety ratings, and inform motor carriers of the results;
- 2) to identify motor carriers with high noncompliance and high preventable accidents and target the FHWA's enforcement activities;
 - 3) to analyze accident reports submitted by carriers for accuracy and to assign preventability factors;
 - 4) to monitor data entry for inspections, accidents, safety and compliance reviews, and enforcement records for interstate motor carriers; and
 - 5) to assist in responding to requests for waivers by drivers with physical handicaps.

As you can see from my testimony, we have achieved a great deal since I last appeared before you. But, what I feel is most important is that we have achieved these ends following proper procedures, time consuming though they may be, and are developing or have in effect not just final products -- but good final products to effectively implement the congressional mandates of the 1984 and 1986 Acts. I am convinced that our work in this important area will greatly enhance the safety on our Nation's highways for all users.

This concludes my prepared statement. I would be pleased to answer any questions.

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